

REMARKS

The Office Action dated October 16, 2006, has been carefully considered. Claims 1-9 are currently pending. Claims 10-15 have been withdrawn. Applicants request that the Examiner consider the following remarks, and then pass the application to allowance.

Claims Rejections – 35 U.S.C. §112:

Claims 1-9 were rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1-4 have been amended to recite said "electrically heated" smoking device. Accordingly, the rejection under 35 U.S.C. §112, second paragraph should be withdrawn.

Conclusion

In the event that there are any questions concerning this Amendment or the application in general, the Examiner is respectfully urged to telephone the undersigned attorney so that prosecution may be expedited.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: January 25, 2007

By: _____



Kirk M. Nuzum

Registration No. 38983

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620